desirable. This criteria is not essential to development of a park or recreation area in places that have an immediate park or recreational need.

- d. <u>Cash-in-lieu and Parkland Combination</u> It is preferred that subdivision parks are dedicated in combination with a cash contribution. This will assist future subdivision residents who seek funds from the County for park development.
- e. <u>Historical Features</u> Parkland can include a well known landmark i.e. old water wheel, barn that adds to the scenic and historical value of the site. Buildilngs or sites with significance are desirable and their preservation and identification should be encouraged.

# 2. Overall Scenic Evaluation

- a. Accessible Vistas Areas that provide visitors with panoramic views may be very desirable in park location. In many parks, areas that provide specialized or unique views are used in place of vistas. Vistas are used as points of interest and gather many visitors in specific areas.
- b. Undesirable Factors Man-made or natural factors that detract from general appearance must be considered in site evaluation. In many cases, parkland is located adjacent to undesirable property that detracts from park appearance.
- c. Environmental Intrusions Road right-of-ways and power lines are two examples of environmental intrusions that detract from general park appearance.
- d. Topography Major Type Any park land will consist of a major type of land form. Killsides, lakeshore, marshes, valleys, plains and plateaus are examples of major types of topography.
  - Terrain Variety The more varied the terrain, the more recreation possibilities exist. This, however, relates to the basic size of the given parcel.
  - 2) Hillside Development Potential Slope and cover are important when considering use of a hillside. Areas that have unusually steep slopes are not nearly so valuable as park land with more moderate slopes.

- 3) Valley Development Potential In most cases, valley development will be the center of park development. Careful consideration must be made in all valley potential.
- 4) Hillside Scenic Evaluation The appearance of a hillside from a valley can be very valuable for a park location. In many cases, hillsides that are too steep for any particular use can still be of important scenic value. View points are sometimes incorporated into hillsides to provide use for the steep areas.
- 5) Valley Scenic Evaluation The valley is very important, as it is usually the scenic point of a park, and, therefore, the central point of park development.
- e. <u>Vegetation Major Type</u> Forest, grassland, brush, or marsh are examples of vegetation types.
  - 1) Forest Density In park location and development, forest density is important. Woods that are in need of thinning present additional costs. Forests that are very sparse also propose problems of replanting. A properly timbered park allows visitor activities, yet still provides shade, protection, and beauty.
  - 2) Forest Ouelity The size, type, and health of a park forest must be considered in forest evaluation.
  - Forest Scenic Evaluation The natural beauty of a forest must be considered in forest evaluation.
  - 4) Brush Density Brush in parks is useful as buffer zones and in trail development. Visitor movement can also be controlled by brush placement; however, usable land is sometimes lost because of excessive brush growth.
  - 5) Brush Scenic Evaluation This must be evaluated on site. Attention to future plans helps an evaluator examine brush growth with an open mind.
  - 6) Grass Quality Sod and turf development is of major concern in park evaluation. Lack of such grassy areas may mean additional planting cost in park development.
  - 7) Grass Scenic Evaluation A field of lush grass is what most people think of whenever parks are mentioned. Grassy areas add the finishing touch to a park site.

8) Noxious Weed Evaluation - Weeds are a well-documented problem in many subdivision parks. Adjacent lands should be evaluated for possible weed infiltration potential, as well as the subdivision park. Plans for weed control must be finalized before any park locations are approved.

## 3. Water

# a. Name of Water Body

- 1) Lakes Recreational usability lakes are of extreme importance in recreation planning. People are attracted to park areas because of bodies of water. An area with a lake is a prime area for recreational use and development.
- Shoreline When considering parcels with water access, shoreline is of prime concern because of public accessibility to the body of water.
- 3) Water Quality recreation activities must have relatively clean water.
- 4) Water Surface The size of a lake is of major importance when considering recreational potential.

# b. Marshes

- 1) Recreational Potential Marshes and swamps can be thought of as being recreation areas; activities such as hunting, fishing and wildlife observation can be conducted in marshy areas.
- Quality A marshy area may, however, detract from park and recreation potential.
- 3) Size and Extent Marshy or low areas that are of considerable size might be of great hinderance to park development. Marshes and swamps should only be considered part of parkland sites if they are part of an environmentally sensitive riparian zone, i.e. fish, waterfowl, wildlife habitat or water course buffer zone.

#### c. Streams

- Recreation Usability Streams are a very important part of park and recreation consideration.
- Shoreline One must consider access to the stream shoreline when evaluating park potential. Shorelines will eventually become public focal points for park activities.

- Water Quality As with lakes, clean water is important For recreational use.
- 4) Stream Size The size of the stream is important to recreational activities the larger the stream, the more activities; however, stream gradient must be taken into account when considering public recreation. Large fast moving streams sometimes are hazards to the general public. Artificial water courses i.e. drainage ditches, irrigation canals must be distinguished from natural water courses. Man-made watercourses present safety and legal concerns not inherent in natural streams. For these reasons ditch and canal easements should not be included in subdivision parks.

# B. GUIDELINES FOR AWARDING POINTS TO PARK RATING POTENTIAL

¥ E	Points Points Points Points	Excellent Potential Above Average Potential Average Potential Below Average Potential
1	Point	Poor or Non-usable

# 1. Site Factors

- e. Need 5 points strong indications that a park will be of substantial benefit to the subdivision and adjacent lands. 1 point large lot subdivision or many other recreational opportunities nearby that would preclude use of a park.
- b. Accessibility to Parcel 5 points paved road to park site and appropriate parking for its intended use. 1 point - poor trail marking to park site and otherwise limited accessibility. Adversely impacts adjacent landowners.
- c. <u>Historical Factor</u> 5 points an actual historical site on the park land. 1 point no known historical importance on park site.
- d. Proximity to Other Recreation Areas 5 points site adjoins an existing recreational area. 1 point- a lengthy drive to nearest recreational area.
- e. <u>Cash-in-lieu and Park Combination</u> 5 points-combination of cash and parks ideal for contemplated development and use. 1 point little or no cash contributed in combination with parkland dedication.

# 2. Overall Scenic Evaluation

- a. Accessible Vistas 5 points a high point with a panoramic view of the surrounding area. 1 point - a dense thicket of brush and timber.
- b. <u>Undesirable Factors</u> 5 points no undesirable factors exist. 1 point - area is naturally unattractive.
- c. Environmental Intrusion 5 points no man-made structures or earth works. 1 point area is totally unattractive because of man-made eyespres.

# 3. Topography

- a. <u>Terrain Variety</u> 5 points the area is made up of several types of land forms - hills, valleys, cliffs, plains, etc. 1 point - only one type of land form.
- b. <u>Hillside Development Potential</u> 5 points a gentle sloping, highly usable area. 1 point - an area too steep to use.
- c. <u>Valley Development Potential</u> 5 points an area with enough size for many types of recreational activities. 1 point a steep gorge with no practical use.
- d. <u>Hillside Scenic Evaluation</u> 5 points a "picture postcard" type of area. 1 point an area that shows extreme misuse and is very unpleasing to the eye.
- e. <u>Valley Scenic Evaluation</u> 5 points a "picture postcard" type of area. 1 point an area that shows extreme misuse and is very unpleasing to the eye.

# 4. Vegetation

- a. <u>Forest Density</u> 5 points timbered area that provides beauty as well as enough open area to make activities practical. 1 point a dense, poorly managed area that is not only non-active but too thick to allow human passage.
- b. Forest Quality 5 points timbered area that is properly managed and environmentally sound. 1 pointan area that has had poor management, poor appearance, and diseased timber.
- c. Forest Scenic Evaluation 5 points a "picture postcard" type of Forest. 1 point an area that is showing evidence of extreme misuse, and is therefore, an eyesore.
- d. Brush Density 5 points brushy areas that are in strategic points that provide buffers and add to the overall park appearance. 1 point - brush that has overgrown an area, making it unusable.
- e. <u>Brush Scenic Quality</u> 5 points brushy areas that enhance the beauty of the park land. 1 point brushy areas that detract from the area to the point

that it makes the area unattractive.

- F. Grass Scenic Evaluation 5 points lush, green "picture postcard" type of grass. 1 point sparse, unattractive areas that detract from park appearance.
- Grass Quality 5 points natural sod that can be used in place of seeding new grass. 1 point - acres that will have to be tilled under and replanted.

### 5. Water

## a. Lakes

- 1) Recreation Usability 5 points a lake that can be used for a multitude of recreation activities. 1 point a lake that has NO practical recreational use.
- Shoreline 5 points an area that has a gentle bank, and the potential for a variety of activities. 1 point - a steep bank with no public access point.
- a) Water Quality 5 points clear, clean water with a potential for a multitude of recreational activities. 1 point polluted water with no recreational activities.
- 4) Water Surface Area 5 points a large body of water with unlimited recreation potential. 1 point a small pond with little potential.

# b. Wetlands

- 1) Recreational Potential 5 points an area that has natural beauty and recreation potential. · 1 point a stagnate, unattractive area with no potential for recreation.
- Quality 5 points an area with sound environment characteristics that has an important part of the area. 1 point a swampy area that shows misuse and is an unattractive detraction from the park.
- 3) Size and Extent 5 points a marsh that is in balance with the rest of the park land, and fits the park plan as an intricate part. 1 point a swampy area that covers the extent of the park area and limits the recreational potential.

### c. Streams

1) Recreational Usability - 5 points - a stream that can be used for a multitude of recreational

- activities. 1 point a stream that offers nothing to recreation activities.
- 2) Shoreline 5 points a shoreline with a gentle slope that will provide an excellent focal point for park activities. 1 point a steep or swampy area that can offer very limited recreation access.
- 3) Water Quality 5 points clear, clean water that offers unlimited recreation potential. 1 point polluted water that can not be used for recreation activities.
- 4) Stream Size 5 points a river that is large enough to provide a multitude or variety of recreation activities. 1 point a small stream that has very limited recreation potential. O points a man-made ditch or canal that is used periodically.

NAMER	ACRES	_ SECTION
DATE EVALUATEDBY		<del></del> -
GENERAL COMMENTS		<u> </u>
	E - GENERAL Park 5 poi 4 poi 3 poi 2 poi 1 poi	DESCRIPTION Rating Points: nts - Excellent nts - Above Average nts - Average nts - Below Average nt - Poor or Non-usable nts - Facility Non-Existent
PAR	C POTENTIAL	RATING
Site Factors  Need  Accessibility to Para  Historical Factors  Proximity to other re  reation areas (5-very  near; 1-distant)  Cash/park combination  TOTAL AREA  TOPOGRAPHY  Millside Scenic Evaluat  TOTAL TOPOGRAPHY	cel TO TO Ve Potential	Overall Scenic Accessible VistasUndesirable FactorsEnvironmental  TAL SCENERY  qetation - Major TupeNcxious Weed EvaluationForest Density
	WATER	
Name Body	of	Water
Lakes  Recreational Usabilit  Shoreline Water Quality	Stream U -	ns Recreation Usability Shoreline Water Quality

Water Surface f	ìrea	Stream	Size
Tarshes Recreation at F Ouality Size and Extent TOTAL PAR		_TOTAL WATER AL POTENTIAL	POINTS
When determining tocation, the Follorection, the Follorectional potent:	uing sub totals a	ational pote re added to	ential for a park achieve the park
Site Factor : Scenery total Topography to Vegetation to Water total PARK RECREAT	l otal otal		
PHRK RELREHI	IUN IGIAL		
The following cate Park Land for recre		rmine the r	ough value of the

Poor Below 20 Below Average 21-44 45-64

65-74 75-94

95-104 105-119

120 and Above

Low Average Average

High Average

Good

Above Average or Superior

Excellent

# APPENDIX F

# A. CRITERIA FOR DEVELOPMENT OF NEW COMMUNITY PARKS

Many of the same guidelines will be used for selecting a county park location and type of development as are used for subdivision parks, with a few changes. The need for community park development will differ from the need for a subdivision park, and other site factors must be taken into consideration. Because a county park will serve a much larger population than a subdivision park, and its development will relate to specific identified needs, the site factors will be weighted double in the point rating system.

# 1. Site Factors

- a. Need Before consideration of a site for recreation or park development, an indication of a need for the type of park proposed must be established. The need should be identified in the county recreation plan and related to population density and distribution. If not included in the plan, then the need must be established via means that should include public hearings, surveys or other documentation. Need should relate to the definitions, functions and standards in Appendix A of the recreation plan.
- b. Local Residents (Feelings toward development) Before consideration of a site for park development, knowledge of neighborhood attitude must be taken under consideration, rating five (5) points for favorable and zero (0) points for highly negative attitude.
- Accessibility of Parcel Legal access of the parcel must be considered in the park land evaluation. Also, public access by automobile must also be considered in park and recreational evaluation.
- d. Proximity to Population Centers Park visitation is essential for park existence. Travel distance must be close enough to population centers to Justify park development.
- e. Proximity to Major Traffic Poutes Actual distance from population center is important in park planning; however, a park must be located close enough to major traffic routes to make park development practical.

- f. Open to the Public It is essential that the park be open to the public. Fees might be required for certain park uses, but such fees should not place undue restraints on the general public on park use.
- g. <u>Historical Features</u> Parkland can include a well known landmark i.e. old water wheel, homesteader cabin, barn that adds to the scenic and historical value of the site. Buildings or sites with historical significance are desirable and their preservation and identification should be encouraged.

# 2. Scenery

- a. Overall Scenic Evaluation A pleasant appearance to the eye is very important in park evaluation. In areas that have limited park space, it sometimes becomes necessary to build parks on land that has undesirable appearance.
- b. Accessible Vistas Areas that provide visitors with panoramic views are very desirable in park development. In many parks, areas that provide specialized or unique views are used in place of vistas. Vistas are used as points of interest and gather many visitors in specific areas. Park visitor migration routes can and should be planned around points of interest.
- c. Undesirable Factors Man-made or natural factors that detract from general appearance must be considered in site evaluation. In many cases, park land is located adjacent to undesirable property that detracts from park appearance.
- d. Environmental Intrusions Road right-of-ways and power lines are two examples of environmental intrusions that detract from general park appearance. If environmental intrusions must be removed for park development, cost of removal must be considered in park evaluation.
- e. Topography Major Type Any park land will consist of a major type of land form.

  Hillsides, lakeshore, marshes, valleys, plains and plateaus are examples of major types of topography.
  - Terrain Variety The more varied the terrain, the more recreation possibilities exist. This, however, relates to the basic size of the given parcel.

- 2) Hillside Development Potential Slope and cover are important when considering use of a hillside. Areas that have unusually steep slopes are not nearly so valuable as park land with more moderate slopes.
- 3) Valley Development Potential In most cases, valley development will be the center of park development. Careful consideration must be made in all valley potential.
- Hillside Scenic Evaluation The appearance of a hillside from a valley can be very valuable in park development. In many cases, hillsides that are too steep for any particular use can still be of important scenic value. View points are sometimes incorporated into hillsides to provide use for the steep areas.
- 5) Valley Scenic Evaluation The valley is very important, as it is usually the scenic point of a park, and, therefore, the central point of park development.
- f. <u>Vegetation Major Tupe</u> Forest, grassland, brush, or marsh are examples of vegetation types.
  - 1) Forest Density In park location and development, forest density is important. Woods that are in need of thinning present additional costs. Forests that are very sparse also propose problems of replanting. A properly timbered park allows visitor activities, yet still provides shade, protection, and beauty.
  - Forest Quality The size, type, and health of a park forest must be considered in forest evaluation.
  - Forest Scenic Evaluation The natural beauty of a forest must be considered in forest evaluation.
  - 4) Brush Density Erush in parks is useful as buffer zones and in trail development. Visitor movement can also be controlled by brush placement; however, usable land is sometimes lost because of excessive brush growth.
  - 5) Brush Scenic Evaluation This must be evaluated site. Attention to future plans

helps an evaluator examine brush growth with an open mind.

- 6) Grass Quality Sod and turf development is of major concern in park evaluation. Lack of such grassy areas may mean additional planting cost in park development.
- 7) Grass Scenic Evaluation A field of lush grass is what most people think of whenever parks are mentioned. Grassy areas add the finishing touch to a park site.
- 8) Noxious Weed Evaluation Weeds are a well-documented problem in many subdivision parks. Adjacent lands should be evaluated for possible weed infiltration potential, as well as the subdivision park. Plans for weed control must be finalized before any park locations are approved.

# 3. Water

# a. Name of Water Body

- 1) Lakes Recreational usability lakes are of extreme importance in recreation planning. People are attracted to park areas because of bodies of water. An area with a lake is a prime area for recreational use and development.
- 2) Shoreline When considering parcels with water access, shoreline is of prime concern because of public accessibility to the body of water.
- 3) Water Quality recreation activities must have relatively clean water.
- 4) Water Surface The size of a lake is of major importance when considering recreational potential.

#### b. Wetlands

1) Recreational Potential — Marshes and swamps can be thought of as being recreational areas; activities such as hunting, fishing and wildlife observation can be conducted in marshy areas.

- 2) Quality A marshy area may, however, detract from park and recreation potential.
- 3) Size and Extent Marshy or low areas that are of considerable size might be of great hinderance to park development. Marshes and sloughs should only be incorporated in a park development if they are part of an environmentally sensitive riparian zone i.e. fish, waterfowl, wildlife habitat or water course buffer zone.

# c. Streams

- Recreation Usability Streams are a very important part of park and recreation potential of an area.
- Shoreline One must consider access to the stream shoreline when evaluating park potential. Shorelines will eventually become public focal points for park activities.
- Water Quality As with lakes, clean water is important for recreational use.
- <del>ነ</del> ጋ Stream Size - The size of the stream is important to recreational activities - the larger the stream, the more activities; however, stream gradient must be taken into account when considering public recreation. Large fast moving streams sometimes are hazards to the general public. Artificial water courses - i.e. drainage ditches, irrigation canals - must be distinguished from natural water courses. Man-made watercourses present safety and legal concerns not inherent natural streams. iп Man-made ditch and canal easements should therefore be fenced or otherwise provide protection from public injury or damages.

# B. GUIDELINES FOR AWARDING POINTS TO PARK RATING POTENTIAL

5 points Excellent Potential
4 points Above Average Potential
5 points Average Potential
6 points Below Average Potential
7 point Poor or Non-usable

# 1. Site Factors

a.  $\underline{\text{Need}}$  - 10 points - county recreation plan gives high priority to a development of this type, or strong

documentation exists to show a great demand for the project. I point - the development proposal is not given a strong priority in the plan and little, if any, documentation can be provided to indicate widespread county support.

- b. <u>Local Residents</u> 10 points residents are active in park planning, taking much of the project on themselves. 1 point - residents are adamantly against park development.
- c. Accessibility to Parcel 10 points Paved road to park site. 1 point Foot trail to park site.
- d. Proximity to Population Centers 10 points area located within a population area. 1 point a lengthy drive from nearest population center.
- e. <u>Historical Factor</u> 10 points an actual historical site on the park land. 1 point no known historical importance on park site.
- f. Open to the Public 10 points free use to the public or a fee justified by a large number of county residents' use. I point high fee not justified by a large majority of county residents' use.
- g. Proximity to Major Traffic Routes 10 points within 1 mile of a major arterial capable of handling expected park user traffic patterns. 1 point proposed park development located too far from a major traffic route to be used efficiently and the intervening routes would be circuitous and incapable of handling expected park user traffic.

## 2. Scenery

- a. <u>Overall Scenic Evaluation</u> 5 points a "picture postcard" site. 1 point a "garbage dump" site.
- b. Accessible Vistas 5 points a high point with a panoramic view of the surrounding area. 1 point a dense thicket of brush and timber.
- c. <u>Undesirable Factors</u> 5 points no undesirable Factors exist. 1 point - area is naturally unattractive.
- d. Environmental Intrusion 5 points no man-made structures or earth works. 1 point - area is total y unattractive because of man-made eyesores.

# 3. Topography

- a. <u>Terrain Variety</u> 5 points the area is made up of several types of land forms - hills, valleys, cliffs, plains, etc. 1 point - only one type of land form.
- b. <u>Hillside Development Potential</u> 5 points a gentle sloping, highly usable area. 1 point an area too steep to use.
- c. <u>Valley Development Potential</u> 5 points an area with enough size for many types of recreational activities. 1 point - a steep gorge with no practical use.
- d. <u>Hillside Scenic Evaluation</u> 5 points a "picture postcard" type of area. 1 point an area that shows extreme misuse and is very unpleasing to the eye.
- e. <u>Valley Scenic Evaluation</u> 5 points a "picture postcard" type of area. 1 point an area that shows extreme misuse and is very unpleasing to the eye.

# 4. Vegetation

- a. <u>Forest' Density</u> S points timbered area that provides beauty as well as enough open area to make activities practical. 1 point a dense, poorly managed area that is not only non-active but too thick to allow human passage.
- b. Forest Quality 5 points timbered area that is properly managed and environmentally sound. 1 pointan area that has had poor management, poor appearance, and diseased timber.
- c. Forest Scenic Evaluation 5 points a "picture postcard" type of forest. 1 point - an area that is showing evidence of extreme misuse, and is therefore, an eyesore.
- d. Brush Density 5 points brushy areas that are in strategic points that provide buffers and add to the overall park appearance. I point brush that has overgrown an area, making it unusable.
- e. <u>Brush Scenic Quality</u> 5 points brushy areas that enhance the beauty of the park land. I point brushy areas that detract from the area to the point that it makes the area unattractive.

- F. Grass Scenic Evaluation 5 points lush, green "picture postcard" type of grass. 1 point - sparse, unattractive areas that detract from park appearance.
- Grass Quality 5 points natural sod that can be used in place of seeding new grass. 1 point acres that will have to be tilled under and replanted.

#### 5. Water

#### a. Lakes

- Recreation Usability 5 points a lake that can be used for a multitude of recreation activities. 1 point - a lake that has NO practical recreational use.
- Shoreline 5 points an area that has a gentle bank, and the potential for a variety of activities. 1 point a steep bank with no public access point.
- 3) Water Quality 5 points clear, clean water with a potential for a multitude of recreational activities. 1 point polluted water with no recreational activities.
- 4) <u>Water Surface Area</u> 5 points a large body of water with unlimited recreation potential. 1 point a small pond with little potential.

#### b. Wetlands

- Recreational Potential 5 points an area that
  has natural beauty and recreation potential. 1
  point a stagnate, unattractive area with no
  potential for recreation.
- 2) Quality 5 points an area with sound environment characteristics that has an important part of the area. 1 point a swampy area that shows misuse and is an unattractive detraction from the park.
- 3) Size and Extent 5 points a marsh that is in balance with the rest of the park land, and fits the park plan as an intricate part. 1 point a swampy area that covers the extent of the park area and limits the recreational potential.

#### c. Streams

- 1) Recreational Usability 5 points a stream that can be used for a multitude of recreational activities. 1 point a stream that offers nothing to recreation activities.
- Shoreline 5 points a shoreline with a gentle slope that will provide an excellent focal point for park activities. 1 point - a steep or swampy area that can offer very limited recreation access.
- 3) Water Quality 5 points clear, clean water that offers unlimited recreation potential. 1 point - polluted water that can not be used for recreation activities.
- 4) Stream Size 5 points a river that is large enough to provide a multitude or variety of recreation activities. 1 point a small stream that has very limited recreation potential. O points a man-made ditch or canal that is used periodically with no protection from visitor encroachment.

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# WATER

Name Body		□£	Water
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Q	ds ecreation at Potential Juality ize and Extent	TOTAL WATER	
	etermining the total rec	EATIONAL POTENTIAL POINTS reational potential for a park ed to achieve the park recreat	c, the Lional
,	Site factor total Scenery total Topography total Vegetation total Water total		
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The fo: Park L	llowing categories will and for recreational purp	determine the rough value o oses:	f the
	Below 25 25-49 50-69 70-79 80-99 100-109 110-124 125 and Above	Poor Below Average Low Average Average Kigh Average Good Above Average or Superi Excellent	ar

#### APPENDIX G

The following rules could apply to all county parks dedicated to the public. These rules shall not apply to parks that have an approved development and management plan by the County Commission.

- 1. Park hours sunrise to sunset.
- No athletic outdoor Field lighting without County Commission approval.
- No alcoholic beverages.
- 4. No off-road motor vehicle use without a permit.
- 5. No littering.
- No defacing park property.
- 7. Penalties for violations of all of the above.
  - . No uses permitted which would constitute a nuisance, threat or danger to health, safety and welfare of any person(s).
- No grazing, haying or other agricultural activity without the expressed written consent of the County Commissioners.
- 10. No overnight camping without express written approval from Commission.
- 11. No storage of junk vehicles, farm implements or any other equipment or materials.
- No fires outside of designated areas.
- 13. No group activities involving more than five (5) people without a permit.
- 14. All permits must be accompanied by a refundable deposit, the amount to be determined by the County Commission.
- 15. All permits must also be accompanied by a waiver removing responsibility from Gallatin County.

ADMINISTRATION: County park reservations and permits could be andled in the same fashion as the gym in the Law and Justice Center: Enforcement should be the responsibility of the Sheriff's Department, with their office receiving copies of permits showing location, date, and nature of activity.

# APPENDIX H

# PROCEDURE AND POLICY FOR LEASING COUNTY PARKLANDS (7-8-2500 et seq.)

Gallatin County has the authority and duty to lease lands owned by the County, heretofore acquired for parks, which, in the Judgement of the Commissioners, it is not advisable to improve as parks, and upon such terms and conditions as the Commission deems to be in the best interests of the county.

- County parks with an approved development plan and managed by a homeowners association may not be leased, unless with the expressed permission of the association.
- County lands shall be leased on a year-to-year basis depending upon the favorable performance of the leaseholder on the terms of the lease. Leases shall run from March to March.
- 3. (M.C.A. 7-16-2324) Proper public notice of the intention to lease county-owned parks shall be given, and a public hearing held, before a lease is entered into by the Commissioners. The appraised value of the property must be established before the public hearing and the proposed use of the park shall be included in the public notice. The appraised value will be established by a method approved by the County commissioners and will be reviewed annually. Application shall be made to the Subdivision Review Office and will be available for public view.
- 4. County parks shall only be leased for purposes consistent with the county open space and recreation plan (required by state law).
- 5. All funds from leased parks shall go into the park fund.
- 6. The lessee shall provide a certificate of insurance to be reviewed by the County Attorney's office.
- 7. A lessee may place improvements on the leased property directly related to conservation of the land or necessary for proper utilization of the land for the purposes for which it is leased. Proposed park improvements shall be shown in the application and must be approved by the County Commissioners.
- 8. a) (7-8-2509) Whenever another person becomes the lessee of such land, such other persons shall pay to the former lessee the reasonable value of such improvements to the land at the time the new lessee takes possession of such land. The former lessee may, at the former lessee's option, remove or dispose of the movable improvements, but the same must be

removed within sixty (60) days from the date of the expiration of the lease. If not so removed, then all such improvements shall become the property of the county unless the Commissioners for good cause grant additional time for the removal thereof. Before a lease is issued to the new lessee, the new lessee shall show that the former lessee has been paid the value of the improvements as agreed upon by them or as fixed and determined as herein provided or that the former lessee has elected to remove the improvements.

- In case the former lessee and the new lessee are unable h) to agree on the reasonable value of such improvements, then such value shall be ascertained by three arbitrators. One of the arbitrators shall be appointed by the former lessee, one by the new lessee, and the third by the two arbitrators The reasonable compensation that such appointed. arbitrators may charge for their services shall be paid in equal shares by the former lessee and the new lessee. The the improvements so ascertained and fixed by the arbitrators shall be binding on both parties; provided. however, that if either party is dissatisfied with the valuation so fixed, the dissatisfied party may, within ten (10) days of being notified of the arbitrator's decision. appeal from that decision to the County Commissioners. decision of the Commission shall be final. Any costs incurred by the board in reexamining the decision of the arbitrators shall be borne by the former lessee and the new lessee in such proportions as the board may determine.
- c) Any fences installed by the lessee shall be considered temporary improvements and be considered the property of the lessee.

# LEASE LANGUAGE

All lease language should include (7-15-2323):

"WHEREAS, in the judgment of the County Commissioners, the property which is the subject of this agreement is not presently contemplated for park purposes; and,"

"WHEREAS, the Commissioners find it to be in the County's best interests to lease said property; and,"

"WHEREAS, the lease of said property is consistent with the County's outdoor recreation and open space comprehensive plan; and,"

"WHEREAS, the terms of this lease shall be made for a consideration which equals or exceeds the taxes these lands would have levied upon them if they were private lands, and," (7-8-2508, 7-16-2324)

Permit	N⊡.	***************************************
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# APPLICATION TO LEASE COUNTY PARKLAND

Sallatin County, Montana	Date	. , 19
To the County Commission:		
The undersigned hereby makes county parkland in Gallatin Co Name of Applicant:	ounty.	o lease
Mailing Address:		
Location of Leased Property:	Subdivision	
Lot Section	Township Range	
Description of use proposed livestock, haying, etc.)		ber of
Proposed date for lease - from	n: to:	, 19
Name and amount of insurer for	proposed use:	
Proposed improvements to the !	leased site, (fences, etc.)_	
Lease Application Paid		(Amount)
Signed(		
Appraised taxable value of the	e lease site acreage:	
Is the proposed lease amount a would be generated from this a	equal to or greater than taxe acreage?	es that
Does the proposed use conform subdivision?		to the
	nsions, adjacent uses, and p	
Application approved:  Date, 19  Application denied:  Date, 19  Reason:	\$25 non-cefundable appl	
Certificate of Insurance? YES NO Lease signed by all parties?	Make check payable to Gallatin County Park F	the

#### SAMPLE LEASE AGREEMENT

	THIS	LEA	ASE	AGRE	EMENT	mad	le a	nd	ente	ered	into	חם נ	this			day
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#### WITNESSEIH:

WHEREAS, in the judgment of the County Commissioners, the property which is the subject of this agreement is not presently contemplated for park purposes; and,

WHEREAS, the Commissioners Find it to be in the County's best interests to lease said property; and,

WHEREAS, the lease of said property is consistent with the County's outdoor recreation and open space comprehensive plan; and.

WHEREAS, the terms of this lease shall be made for a consideration which equals or exceeds the taxes these lands would have levied upon them if they were private lands; and, (7-8-2508, 7-16-2324)

WHEREAS, proper public notice of the intention to lease this park, or portion thereof, has been given; and,

WHEREAS, the lessor for consideration of S\_\_\_\_\_ and the covenants hereinafter specified to be performed by the Lessee, leases and lets the property which is the subject of the Agreement pursuant to the following terms:

- 1. That the Lessor leases and the Lessee hires the property consisting of (legal description, attach an exhibit) for the purpose of pasturing livestock. This property is leased subject to sale of the property by the Lessor or the development of the park for recreational purposes. That the Lessee's use of the property is limited to the pasturing of livestock and associated uses. The Lessee may not change the use of the property without written permission of the Lessor.
- 3. For consideration of the lease of the property the Lessee agrees to pay the Lessor the amount of S\_\_\_\_\_ due at the time of the signing of the lease and receipt of which is hereby acknowledged.
- That the Lessee is responsible for maintaining the perimeter fences and controlling the livestock placed on the property.
- That upon proper notice the Lessee shall allow upon the property at any time any surveying crews or other county employees.
- 6. The Lessee shall pasture the animals in such a manner as not to overgraze or destroy the foliage on the property. The Lessor reserves the right to specify the number of animals that may be placed on the land if the Lessor determines overgrazing is occurring during the term of this lease. The Lessee shall be responsible for controlling any noxious weeds on the property according to the county weed control standards.

- 7. The Lessor shall not be liable and the Lessee waives all claims for injury or damage to all persons or property sustained by the Lessee, his agents, employees, guests or any others occurring on the leased property.
- 8. The Lessae agrees he shall at the expiration of this lease or upon proper notification yield and surrender the leased property to the Lessor in as good a condition and repair as when he took it, reasonable wear and tear and damage by elements alone expected.
- 9. That the Lessee agrees and understands at any time during the term of this lease, upon written notice of the Lessor, the Lessor may request the Lessee to quit. the occupancy of the land and terminate the lease. That the Lessor shall give the Lessee thirty (30) days notice in writing of its intention to terminate the lease and the request of the Lessee to quit the lease. For the purpose of computing 30 days, the time period begins on the date that the notice is deposited in the U.S. Mails addressed to the Lessee at the mailing address contained in this lease agreement. Either party at any time during this lease agreement, upon thirty (30) days written notice can terminate the lease. If the Lessor elects to terminate the lease, the Lessee will be entitled to a refund or a proration of any lease payments made. If the Lessee terminates during the period of this lease agreement, no refund will be made.
- 10. That all notices and communication between the parties called for by the Agreement shall be sufficient to communicate by properly addressed certified letter with sufficient postage to other party. The mailing address of the Lessor is: Board of County Commissioners, Gallatin County, P.O. Box 1905, Bozeman, MT 59715. The Lessee's address is:

MADE AND ENTERED INTO on the day and year set forth above.

BOARD OF COUNTY COMMISSIONERS GALLATIN COUNTY

RAMON S. WHITE, CHAIRMAN
JANE JELINSKI, MEMBER
A.D. PRUITT
ATTEST:
SHELLEY CHENEY

CLERK AND RECORDER

the Gallatin County Outdoor Recreation and Open Space Plan, and recommendations presented herein, adopted December 19, 1989, by the Gallatin County Commission.

signed:

Ramon S. White, Chairman

The Jetineri

A. D. Pruitt, Member

As prepared by the Gallatin County Subdivision Review Office, December, 1989.